Mr. Muruvelil Pachu Pillai presented to the President notice of a motion for the adjournment of the business of the Council.

PRESIDENT : Mr. Muruveli Pachu Pillai has presented to me a statement requesting leave to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, *viz.*, the attitude and behaviour of the Police in relation to the incidents that took place in public meetings at Shertallai and Kanjikulangara on the 19th of Kanni 1106. I will give a ruling on this matter after lunch to-day.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, strictly under the rules a motion for the adjournment of the business of the House has to be ruled out or admitted. In case, this motion is not ruled out of order, then members on this side of the House would be put in a disadvantageous situation, because they will not be able to table another motion for the adjournment of the business of this House. In view of the fact that there is one more motion for the adjournment of the business of the House for discussing a matter of urgent public importance, our prayer is that this motion may be considered and the views of the House ascertained even if the other is ruled to be in order.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As regards Mr. K. P. Nilakanta Pillai's suggestion, that other motions may have to be made, I think there is no other motion now sought to be made. If others are sought to be made they may be considered in their order and the President may give his ruling on each.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What is the Law Member's opinion with regard to Rule 20 ?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : One word, Sir. Rule 20 (2) of the Council Rules prescribes the procedure that is to be adopted in this behalf. It says —

"If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If no objection is taken, the President shall intimate the hour at which the motion will be taken. If objection is taken, the President shall request those members who support the motion to rise in their places and if not less than twenty members rise accordingly, he shall similarly intimate the hour. If less than twenty members rise, the President shall inform the member that he has not the leave of the Council."

This is the procedure that we have to follow.

PRESIDENT : I do not see how my giving the ruling after lunch will affect the exercise of the powers of the members as regards other motions. It is only one motion that has been presented to-day now. After my ruling on the subject the wish of the House in this matter may be ascertained. If the Council agrees that leave should be given, then the motion may be discussed duly. Under these circumstances, I do not know how any difficulty arises by my reserving decision till lunch to-day.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Shall I submit a word with regard to this ?

At this stage Mr. R. Kesava Pillai presented to the President notice of another motion for the adjournment of the business of the Council.

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MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : I beg to make one statement. Rule 20 of the Council Rules prescribes the procedure to be followed by the Council. According to clause (2) of that Rule the President has to ascertain from the Council whether this motion is allowed by the other members of the Council or not. After that the President has to proceed further. Without asking the leave of the House the business of the Council cannot be adjourned to a future time. That is the definite procedure laid down by the Rules. The President is also bound by the Rules.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : There is one more point with regard to this. Rule 39, clause (1) says that "not more than one such motion shall be made at the same sitting."

PRESIDENT : Mr. Kesava Pillai, there are evidently two stages to be gone through before the motion is discussed be the Council. Firstly the President has to decide whether it is in order; secondly the leave of the Council has to be obtained. It is only after these two conditions are satisfied that the motion could be discussed in the Council. We are at the first stage and the fact that a second stage is provided for does not in any way interfere with the discretion allowed to the President to see whether it is in order or not.

As regards Mr. Nilakanta Pillai's difficulty, I would point out that the rule simply means that not more than one adjournment motion could be discussed on one day. Even conceding it I do not think there is any difficulty in the reservation now made to give the ruling after lunch.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I rise to a point of order in regard to this matter because it is a very important thing which touches the privilege of this House. A motion for the adjournment of the business of the House must relate to a matter of urgent public importance. If the President thinks that it is in order he must ascertain the wishes of this House as to whether anybody opposes the motion and a time has to be fixed for discussing the matter. The rule lays down that the adjournment motion could be moved only after question time and before the Council enters into other proceedings. Suppose this afternoon the President says that this motion is out of order, the members are not entitled to make another motion and unless we clearly follow the procedure laid down in the Rules and Standing Orders there will be no safe guide for the members to proceed upon. That is the difficulty. The rules say :—"The member asking leave to make the motion must hand to the President a written statement of the matter proposed to be discussed. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If no objection is taken, the President shall intimate the House at which time the motion will be taken."

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Since it is a matter of urgent public importance and since according to the precedents of this House we have to make another motion immediately after the first motion is disallowed, I submit that if the President postpones the time for giving a ruling we will be very much handicapped. Further this will be considered as a precedent in future which will detrimentally affect the rights of the members.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is there anything to prevent Mr. Asan from asking for leave for another motion even now? Does he apprehend that he cannot ask for leave in the same manner as Mr. Kesava Pillai did?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I fear that if I am to be guided by the arguments advanced by the Law Member on previous occasions they are very likely to raise such objections. I know of instances in which such objections were raised from the Government Benches. At one time when both Mr. G. Rama Menon and another member probably Mr. Thomas wished to move the adjournment of the business of the House, it was objected on the ground that leave could be asked for only one motion.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I remind that in view of the pocedure followed then, according to the Rules and Standing Orders both the motions have become invalid for the purpose.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That is why I say that it is quite open to the Law Member or to any member of the House to question the validity of the proceedings and say that it is out of order. I fully concede that the President has got the right to regulate all proceedings of this House; but that must be in consonance with the provisions in the Rules and Standing Orders. That is all I have to submit in this connection.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy Pre ident*): I would just like to say a few words on the matter before the House. The motion before the House is apparently based on the Rule 18 which says:—

> 'A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President'.

The Rule does not leave it absolutely to the members to make the motion without the consent of the President. It is open to the President to give the consent at once. It is equally open to him to take time for considering the question whether a motion is in order or not. It is only when he gives his consent that the motion can be placed before the House at all. The contention of my friend that no other motion could be made if this one is rejected was raised on a former occasion and I think that it was ruled in favour of the members of the House. It means that more than one motion cannot be admitted for the purpose of discussion on the same sitting.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the learned Deputy President think that that was an occasion when the first motion was ruled out?

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Does he remember that the second motion was thrown out on the ground that the first motion was ruled out?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Even after disallowing the first motion it was said that the second motion was out of order.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): That was the contention. But there was no ruling by the Chairman. Some representative of the Government said that two motions could not be made under the provisions of the Council Rules. The President ruled that that would apply only when the first motion had been admitted but when the first motion had not been admitted it is as good as having no motion before the Council. The second motion would be the first of its kind to be considered. I thought it was due for me to bring this specific provision of Rule 18, to the notice of the House. Perhaps it would be more satisfactory from all standpoints that the ruling that the President gives must be a ruling given after mature consideration lest it should go in as an inconvenient precedent on future occasions. Absolutely nothing is lost. No public interest is jeopardised by the President postponing his decision.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What would be the result if two motions that have been already made are found to be valid and in order?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): When the first is admitted the second automatically goes out.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was this contingency contemplated when the Rules were framed?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): It is difficult to answer that question. What the legislature had in view is to be gathered from the plain language of the Rules and Standing Orders. Rule 18 distinctly says that a motion for adjournment of the business of the House cannot be moved without the consent of the President. After the President gives his assent, it is open to other members to bring to the notice of the President whether the motion itself is in order. The condition precedent is that there must be consent of the President before the motion can be made. If that part of the Rule is omitted, my friend's position is perfectly logical.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member know that subject to certain conditions, according to Rule 18 the President may disallow a motion?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I am not aware of any conditions which interfere with the free exercise of the discretion vested in the Chair.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): May I remind the Deputy President..... ...

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I am not in the capacity of Deputy President now. Simply address me as Krishna Aiyangar.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): May I remind Mr. Krishna Aiyangar that the reasons why this motion will be considered at a future time were not given to this Council?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The House gets jurisdiction only when the motion is placed before the Council. We are now discussing the correctness of the position taken up by the Chair. He has reserved to himself the right to give a decision after lunch. I do not find anything seriously interfering with the prerogatives or privileges of the members of this House. If that were so, I would be the first to stand up and put up a tough fight as I have done on earlier occasions whenever I found that the rights vested in the non-official members were sought to be taken away.

PRESIDENT: I do not think, Mr. Krishna Aiyangar, that the members who spoke about this in any way tried to question the correctness of the observations made by the Chair because they are fully alive to the fact that so far as such matters are concerned the voice of the Chair is supreme in this House. I take it that they have placed before the House the difficulties that they may experience by the reservation that I have made to make the announcement after lunch. Even there I do not think any difficulty would arise because to my mind they are imaginary, if not illusory. The two motions relate to the recent occurrence at Shertallai. Virtually they relate to the same matter. Even if a ruling is given this afternoon that does not deprive the members of this House of their right to move a similar motion, on another occasion. Even there, as pointed out by Mr. Krishna Aiyangar, Rule 18 gives me the right to give or withhold the consent. In such matters where the members represent to the House that the matter is of vital importance and affects the rights of the public, an off-hand pronouncement from the Chair is, I think, a matter which the members of the House do not desire. The whole situation has to be examined and I take it that the members expect a considered opinion as regards the according of the consent or otherwise. In these circumstances, I promise to give my pronouncement after lunch, and, if I consider it to be in order, I will then invite the views of the House as to whether it is supported by you and has to be allowed.

Regulation assented to by Her Highness the Maha Rani Regent.

MR. P. N. KRISHNA PILLAI (*Secretary to the Legislative Council*): Sir, I beg to announce that the Travancore Registration Regulation Amendment Bill received the assent of Her Highness the Maha Rani Regent on the 27th Chingom 1106.

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